

REMARKS

Initially, Applicants would like to express appreciation to the Examiner for the detailed Official Action provided, for the acknowledgment of Applicant's Claim for Priority and receipt of the certified copy of the priority document, and for the acknowledgment of Applicants' Information Disclosure Statement by return of the Form PTO-1449.

Applicants acknowledge with appreciation the Examiner's indication of allowable subject matter in claim 2.

Claims 1-13 are currently pending. Claims 7-12 have been withdrawn from consideration by the Examiner as being directed to a nonelected invention. Accordingly, Applicants respectfully request reconsideration of the outstanding rejection and allowance of claims 1-6 and 13 in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

The Examiner has rejected claims 1, 2-6, and 13 under 35 U.S.C. § 102(b) as being clearly anticipated by TANAKA et al. (U.S. Patent No. 5,541,910). The Examiner states that the TANAKA et al. patent discloses a recording medium substrate including a recess and a circular projection, in which the diameter of the central hole and the height of the projection are disclosed.

However, Applicants note that TANAKA et al. fails to show each and every element recited in the claims. In particular, claim 1 sets forth an intermediate which is produced beforehand for manufacturing an optical recording medium including, inter alia, "a hollow cylindrical protruding portion

protruding from one surface thereof on the same side as the one side of the optical recording medium"; "wherein the intermediate has a circular recess formed in a central portion of the other surface thereof on a side opposite to the one side of the optical recording medium and having a diameter equal to a diameter of the central mounting hole, and a temporary central hole formed to extend through a central portion of the circular recess and having a diameter smaller than the diameter of the circular recess"; and "said hollow cylindrical protruding portion having an outer diameter smaller than the diameter of the central mounting hole and an inner diameter equal to or larger than the diameter of the temporary central hole, and having a central axis thereof substantially aligned with a center of the temporary central hole".

Applicants' claimed invention includes an intermediate ME1 for an optical recording medium DP. Operations are performed on the intermediate ME1 to produce the optical recording medium DP. See particularly figures 5-8 showing the intermediate and figure 9 showing the optical recording medium. Figure 10 shows a mechanical chuck 41 including chucks 43 which may be inserted in the temporary central hole TH of the intermediate ME1 for conveying the intermediate ME1. Figure 11 shows a stacker 51 including a stack pole 51a inserted in the temporary central holes TH of a plurality of intermediates ME1 for storage of the intermediates ME1.

Applicants' claimed invention also includes an intermediate ME1 including a functional layer FL (*i.e.*, a reflection layer, a recording layer, a protective layer, etc.) formed on one side of the intermediate ME1 and a hollow cylindrical

protruding portion RI protruding from the same side of the intermediate ME1 that includes the functional layer FL. See particularly figures 6 and 8.

Applicants' claimed invention further includes an intermediate ME1 including a circular recess DE formed on a side of the intermediate ME1 opposite to the side which includes the functional layer FL. See particularly figures 5-8. Further, the optical recording medium DP (which is formed from the intermediate ME1) includes a central mounting hole MH. See particularly figure 9. As shown in the figures and as described in the specification (at least paragraph [0068]), the circular recess DE of the intermediate ME1 has the same diameter as the central mounting hole MH of the optical recording medium DP. Additionally, the cylindrical protruding portion RI has a diameter that is the same as or smaller than the diameter of the central mounting hole MH. As described by the relationship between the central mounting hole MH and the circular recess DE, the diameter of the cylindrical protruding portion RI is, therefore, also the same as or smaller than the diameter of the circular recess DE. Since the cylindrical protruding portion RI is punched out while the intermediate ME1 is blanked to form the optical recording medium DP, the diameter of the protruding portion RI must be the same as or smaller than the diameter of the central mounting hole MH and the circular recess DE. See particularly paragraph [0069], lines 12-41.

The TANAKA et al. patent discloses an optical disk 1 formed of a disk substrate 2 molded from a resin. See particularly column 3, lines 23-25 and column 4, lines 31-43. Further, the optical disk 1 is to be positioned in a drive unit in which the clamping plate 4 is attracted to the magnet of the drive unit.

See particularly column 4, lines 47-49. Accordingly, the optical disk 1 of TANAKA et al. is a finished product. The optical disk 1 disclosed by TANAKA et al. is not an intermediate. Therefore, the TANAKA et al. patent fails to disclose an "intermediate for an optical recording medium" as recited in claim 1.

Further, the TANAKA et al. patent discloses an optical disk 1 having a "circular projection 23 projecting from one major surface of the substrate" (column 3, lines 25-27). As shown in figure 1, the circular projection 23 projects from the lower surface of the optical disk 1. The optical disk 1 also includes "pieces of information on its upper surface, that is, on the side of the clamping plate 4" (column 5, lines 4-12). See figure 1. In other words, the functional layer(s) (*i.e.*, the recording layer) of the optical disk 1 of TANAKA et al. is on the side of the optical disk 1 opposite to the side of the optical disk 1 from which the circular projection 23 projects. Therefore, the TANAKA et al. patent fails to disclose an intermediate including, inter alia, "a hollow cylindrical protruding portion protruding from one surface thereof on the same side as the one side of the optical recording medium" as recited in claim 1.

Further, the TANAKA et al. patent discloses an optical disk 1 having a center hole 3 with a radius  $r_1$  and a circular recess (unnumbered) at the center of the disk substrate with a radius  $r_4$ . See particularly figure 1; column 3, lines 23-25; and column 6, lines 6-7. The optical disk also includes the circular projection 23 with a radius  $r_2$ . As clearly shown in figure 1 and described in column 4, lines 1-8 and in column 6, lines 1-7, the diameter of the circular projection 23 is larger than the diameter of the circular recess. In other words, in the TANAKA et al.

device, the circular projection 23 does not have a diameter that is smaller than the diameter of the central recess. Therefore, the TANAKA et al. patent fails to disclose an intermediate including, inter alia, "said hollow cylindrical protruding portion having an outer diameter smaller than the diameter of the central mounting hole and an inner diameter equal to or larger than the diameter of the temporary central hole, and having a central axis thereof substantially aligned with a center of the temporary central hole" as recited in claim 1.

Accordingly, the TANAKA et al. patent does not show an intermediate which is produced beforehand for manufacturing an optical recording medium including, inter alia, "a hollow cylindrical protruding portion protruding from one surface thereof on the same side as the one side of the optical recording medium"; "wherein the intermediate has a circular recess formed in a central portion of the other surface thereof on a side opposite to the one side of the optical recording medium and having a diameter equal to a diameter of the central mounting hole, and a temporary central hole formed to extend through a central portion of the circular recess and having a diameter smaller than the diameter of the circular recess"; and "said hollow cylindrical protruding portion having an outer diameter smaller than the diameter of the central mounting hole and an inner diameter equal to or larger than the diameter of the temporary central hole, and having a central axis thereof substantially aligned with a center of the temporary central hole", as set forth in claim 1. Since the reference fails to show each and every element of the claimed device, the rejection of claim 1

under 35 U.S.C. § 102(b) over TANAKA et al. is improper and withdrawal thereof is respectfully requested.

Applicants submit that dependent claims 2-6 and 13, which are at least patentable due to their dependency from claim 1 for the reasons noted above, recite additional features of the invention and are also separately patentable over the prior art of record based on the additionally recited features.

It is noted that claim 2 has been both rejected under 35 U.S.C. § 102(b) over TANAKA et al. and indicated as containing allowable subject matter. However, since the Examiner has not pointed out in the rejection the features of the TANAKA et al. device which are considered as meeting the claim limitations of claim 2, it is believed that the listing of claim 2 in the rejection under 35 U.S.C. § 102(b) over TANAKA et al. is a typographical error, and that the Examiner intended to indicate claim 2 as containing allowable subject matter only.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection, and an early indication of the allowance of claims 1-6 and 13.

#### SUMMARY AND CONCLUSION

In view of the foregoing, it is submitted that the present response is proper and that none of the references of record, considered alone or in any proper combination thereof, anticipate or render obvious Applicants' invention as recited in claims 1-6 and 13. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Accordingly, consideration of the present response, reconsideration of the outstanding Official Action, and allowance of the claims in the present application are respectfully requested and now believed to be appropriate.

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so.

Should there be any questions, the Examiner is invited to contact the undersigned at the below listed telephone number.

Respectfully submitted,  
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